

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

03-CR-37-BR

Plaintiff,

OPINION AND ORDER

v.

JASON JAVON MURRAY,

Defendant.

KARIN J. IMMERGUT
United States Attorney
BILL WILLIAMS
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Portland, OR 97204
(503) 727-1000

Attorneys for Plaintiff

JASON JAVON MURRAY
#66828-065
FCI Sheridan
P. O. Box 5000
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Defendant, *Pro Se*

BROWN, Judge.

The Court has completed its consideration of Defendant Jason Javon Murray's *pro se* Joint Motion to Correct Error in Judgment Under Rule 36 (#33); an October 6, 2005, letter from Defendant's counsel at the time of the proceedings in the underlying criminal case, Assistant Federal Defender Christopher J. Schatz; and the government's Response to Defendant's Motion. For the reasons that follow, the Court **DENIES** the Motion.

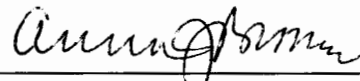
At the outset, the Court notes the government does not join in Defendant's Motion despite the fact that Defendant captioned the Motion as "Joint" and asserted it was to be supported by an affidavit from Assistant United States Attorney Billy Williams, who prosecuted this case. The Court also agrees with the government and Defendant's counsel that the Court does not have the authority to award Defendant credit against the federal sentence he serving concurrently with a state sentence for time he served on the state sentence before this Court entered judgment against him in the federal case.

In short, the Court does not find any error, clerical or otherwise, that this Court has jurisdiction to correct. In any event, even if the Court had discretion to reconsider Defendant's sentence, the Court would not exercise that discretion to impose a more lenient sentence.

Accordingly, the Court **DENIES** Defendant Jason Javon Murray's
pro se Joint Motion to Correct Error in Judgment Under Rule 36
(#33).

IT IS SO ORDERED.

DATED this 4th day of November, 2005.

A handwritten signature in cursive script, appearing to read "Anna J. Brown", written over a horizontal line.

ANNA J. BROWN
United States District Judge